



ITW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Patrice MARCHE et al.

Group Art Unit: 1648

Application No.: 10/586,742

Examiner: Z. LUCAS

Filed: September 26, 2006

Docket No.: 128497

For: COMPOSITION FOR TREATING PATHOLOGY ASSOCIATED WITH
MSRV/HERV-W

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the March 17, 2008 Restriction and Election of Species Requirement, Applicants provisionally elect Group I, claims 12–20 and 22, and elect anti-MSRV/HERV-W antibodies, as a species of antibodies, with traverse. At least claims 12-20 and 22 read on anti-MSRV/HERV-W antibodies. At least claims 12, 16, and 18 are generic to both anti-MSRV/HERV-W antibodies and anti-TLR4 antibodies.

Applicants also provisionally elect multiple sclerosis (species (a)), as a disorder, with traverse. Claims 16 and 17 read on a method of treating multiple sclerosis. Claim 16 is generic to all pathologies associated with MSRV/HERV-W, including multiple sclerosis and schizophrenia.

Applicants respectfully request reconsideration of the Requirement, as provided for under 37 CFR §1.143, for the following reasons. First, the Office Action requires restriction between "distinct embodiments" that exists within a single claim. However, the Office Action